



**Testimony
Mark Decker, P.E.
Town of Colchester Public Works Director
Before the Public Health Committee
12 March 2010**

Subject: Support - HB-5477, An Act Concerning Clean Water and Stream Flow Regulations

I am writing in support of the concepts of HB 5477, "An Act Concerning the Clean Water Act and Stream Flow Regulations" currently before your Committee. As Director of the Public Works Department for the Town of Colchester, I oversee the town's public water system. I also oversee the town's roadway infrastructure and am thoroughly familiar with the widely accepted pavement preservation technique of maintaining good roads in good condition while attempting to bring roads in poor condition up to grade. Therefore, I understand the efforts of the DEP in their proposed stream flow standards and regulations to protect the rivers and streams of the State by trying to keep good rivers and streams in good condition. However, as with any preservation program, an evaluation must be performed to identify existing conditions prior to determining if improvements must be made and the extent of those improvements. Furthermore, if improvements are necessary, the cost of those improvements must be weighed against the benefit derived.

Understanding the controls currently in place to protect the way the rivers and streams and the surrounding lands are used, and the fact that only a very small percentage of the State's rivers and streams are currently impaired, is similar to identifying the majority of your roads and infrastructure are in excellent condition. So, while not turning a blind eye to your good roads, you can focus your attention on the roads that are in the most desperate need and identify what is contributing to the impairment and what solutions exist to restore the road to better condition.

Based on my knowledge of Colchester's public water system as well as asset management and pavement preservation, I whole-heartedly support the intent and statement of purpose of HB-5477. The condition of all the aquatic assets of the State must be evaluated and the impaired rivers and streams identified and improvement

strategies prioritized. It is imperative to know if, and to what extent, the proposed regulations would affect the current uses of the rivers and streams, especially with respect to public health uses, before regulations are finalized and adopted. Only at that time can the cost and benefit of any improvements be determined and if there is a true balance to the regulation between all the users of the rivers and streams.

Colchester provides a simple example of just how unbalanced the proposed regulations are:

The Town holds a Diversion Permit with a permitted average day safe yield at the Town's main well field of 648,000 gallons with a current average day demand of approximately 340,000 gallons. We just completed \$2.9M in upgrades to our pumping and treatment facility with the assistance of a State Community Development Block Grant (CDBG) and the Drinking Water State Revolving Fund (DWSRF) all in an effort to increase our treatment capabilities to match our permitted allocation. Because we have a valid Diversion Permit, we will not be directly impacted by the proposed regulations until 2017 when our permit must be renewed.

The Town has recently revised its zoning map and regulations adding approximately 700 acres for commercial development, has coordinated these changes with the Town's and State's Plans of Conservation and Development, and has obtained a STEAP Grant to develop a plan for expansion of water and sewer services to these commercial areas. All of this work was performed in an effort to better position Colchester for the economic development desperately needed to balance residential and commercial property taxes and to provide services desired by Colchester residents.

Obviously, with the acquisition of the CDBG, DWSRF loan, approval of the Town's Plan of C&D with regard to future sewerable areas, and the STEAP Grant for coordinating the expansion of services, the State appears to concur with Colchester's efforts.

Based on these efforts, we believe the availability of this strategically located additional acreage will result in development and an associated significant increase in demand for water. At this time we believe we will have adequate supply for the proposed development and are using a portion of the STEAP grant to confirm demand requirements based on a build-out analysis. We are very concerned the draft regulations may undermine our ability to provide water service at the anticipated growth levels. Any reduction in our current safe yield means less opportunity for economic growth and serves either as a "moratorium" against the additional development or as an "unfunded mandate" to locate and permit additional sources of supply.

The Town has performed a hypothetical evaluation based on a Category 3 stream rating and find our safe yield may be reduced by approximately 10 percent. To compensate for a portion of that reduction, the Town will need to bring an existing bedrock well on line. Currently, the estimated \$300,000+ expense to do that has been deemed cost prohibitive because of the minimal amount of water that can be gained (roughly 54,000

gallons per day). Should the work be required, the cost will have to be borne by our users as a rate increase.

Should the Town need more than the additional 10 percent reduction caused by the proposed regulations, additional sources of supply or interconnect with a nearby system will be required. However, the nearest interconnect opportunity, Norwich Public Utilities, has estimated a 20 percent safe yield drop as a result of the proposed regulations meaning they will not have excess water for sale to Colchester.

As previously stated, I certainly understand the intent of the DEP's proposed stream flow standards and regulations as an effort to protect the aquatic environment of Connecticut's rivers and streams. However, as currently drafted, the regulations do not provide an appropriate balance between protecting our environment and providing for the public health, safety and economic development needs of our community. HB-5477 ensures the Department of Public Health retains its authority to ensure water companies maintain adequate public water supplies and any costs resulting from implementation of the regulations are fully evaluated first.

The Town of Colchester Public Works Department is very concerned over the proposed DEP regulations. HB-5477 is clearly a step in the right direction. It helps address some of the core issues we view as problems with the proposed DEP regulations and will give other state agencies, the business community and municipalities the opportunity to work towards developing a truly balanced regulation as intended under Public Act 05-142.

